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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 JENNIE MARIE LOONEY,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL  
12 SECURITY,

13 Defendant.  
14  
15

CIVIL NO. 1:20-cv-00401-HBK (SS)

ORDER APPROVING PARTIES' JOINT  
STIPULATION UNDER SENTENCE FOUR OF  
42 U.S.C. § 405(g) AND REVERSING FINAL  
DECISION AND REMANDING CASE

(Doc. No. 23)

ORDER TO TERMINATE ALL PENDING  
MOTIONS AND DEADLINES

16 Pending before the court is the parties' Stipulation to Voluntary Remand filed May 12,  
17 2021. Doc. No. 23, Joint Stipulation. Plaintiff Jennie Marie Looney and the Commissioner of  
18 Social Security jointly stipulate to remand this case for further administrative proceedings under  
19 sentence four of 42 U.S.C. § 405(g) and for judgment to be entered in plaintiff's favor. *Id.*

20 The United States Supreme Court held that the Social Security Act permits remand in  
21 conjunction with a judgment either affirming, reversing, or modifying the Secretary's decision. *See*  
22 *Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney's fees under the  
23 Equal Access to Justice Act and calculating deadline using date of final judgment). The *Melkonyan*  
24 Court recognized 42 U.S.C. § 405(g) contemplates only two types of remands: a sentence four or a  
25 sentence six remand. *Id.* at 98. A sentence four remand authorizes a court to enter "a judgment  
26 affirming, modifying, or reversing the decision of the Secretary, with or without resetting the cause  
27 for a rehearing." *Id.* at 98 (other citations omitted).

28 Here, the parties' stipulation and proposed order seeks remand under sentence four and

1 reversal of the Commissioner's final decision. Doc. 23. at 1-2. The parties further stipulate that  
2 the Administrative Law Judge should "reevaluate the medical evidence, reassess the residual  
3 functional capacity, and if required, offer the claimant the opportunity for a new hearing and take  
4 further action, as warranted, to complete the administrative record." *Id.* at 1.

5 **Accordingly**, it is now ORDERED:

- 6 1. The court APPROVES the parties' Joint Stipulation (Doc. No. 23).
- 7 2. The Commissioner of Social Security's decision is REVERSED, and this case is  
8 REMANDED to the Commissioner of Social Security for further proceedings consistent  
9 with the parties' Joint Stipulation and this Order under sentence four, 42 U.S.C. §  
10 405(g).
- 11 3. The Clerk is respectfully requested to terminate any pending motions/deadlines and  
12 close this case.

13 IT IS SO ORDERED.

14 Dated: May 19, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE